

REMARKS

Claims 14-23 are presented for consideration, with Claims 14 and 18 being independent.

Independent Claims 14 and 18 have been amended to further distinguish Applicant's invention from the cited art.

Claims 14, 18, 19 and 21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Robertson '497. The remaining claims stand rejected under 35 U.S.C. §103 as allegedly being obvious over Robertson in view of Schlangen '987 (Claim 15) or Goodrich '653 (Claims 16, 17, 20 and 22). These rejections are respectfully traversed.

Claim 14 of Applicant's invention relates to an image display panel of the reflection type comprising, in a multilayer structure, a first layer including a periodic planar arrangement of a plurality of electrophoretic elements, each showing one of an opaque black state and a transparent state in response to an input signal, and a second layer including a periodic planar arrangement of a plurality of electrophoretic elements, each showing at least a first color state and a second color state in response to an input signal. As amended, each of the plurality of electrophoretic elements has a drive electrode and a common electrode, and a display state is controlled by an input signal given between the drive electrode and the common electrode, wherein drive electrodes for the electrophoretic elements included in the first layer are smaller in surface area than drive electrodes for the electrophoretic elements included in the second layer. In addition, the electrophoretic elements included in the first layer and the electrophoretic elements included in the second layer are respectively individually controlled.

Support for the amendments to Claim 14 can be found, for example, in Figure 6 and on page 25, line 16, *et. seq.*, of the specification.

In Claim 18 an image display panel of the reflection type comprises, in a multilayer structure, first and second layers including a period planar arrangement of a plurality of electrophoretic elements. Claim 18 has been amended to set forth that each of the plurality of electrophoretic elements included in the first layer shows only one of an opaque black state and a transparent state in response to an input signal. The electrophoretic elements in the second layer show at least a first color and a second color state in response to an input signal. In addition, the electrophoretic elements in the first layer are smaller in area than the electrophoretic elements included in the second layer.

Support for the amendments to Claim 18 can be found, for example, on page 6, line 4, *et. seq.*, of the specification.

As discussed in the Preliminary Amendment of March 23, 2010, Robertson relates to an electrical twisting ball color display that features multi-segment gyricon balls. In rejecting the claims, the Office Action relies on the multithreshold, multipass gyricon shown in Figure 14A(a), which shows spherical balls in each of three layers 1401, 1402, and 1403. As disclosed and shown, the radius  $R_3$  of the spherical balls in the third layer 1403 is smaller than a radius  $R_2$  of the spherical balls in the second layer 1402, which in turn is smaller than a radius  $R_1$  of the spherical balls in the first layer 1401. As understood, however, Robertson does not teach or suggest, among other features, a twisting ball color display having drive electrodes and common electrodes as provided in Claim 14 of Applicant's invention. More specifically, Robertson does not teach or suggest each of the electrophoretic elements having a drive electrode and a common

electrode, with a display state being controlled by an input signal given between the drive electrode and the common electrode, with drive electrodes for the electrophoretic elements included in the first layer being smaller in surface area than drive electrodes for the electrophoretic elements included in the second layer.

With respect to Claim 18, it is submitted that the twisting ball color display in Robertson fails to teach or suggest, among other features, a first layer of an electrophoretic elements showing only one of an opaque black state and a transparent state. In Robertson, the gyricon balls are understood to include a three-segment ball having transparent end segments and a colored center segments (see column 40, lines 26-36).

Accordingly, it is submitted that Robertson fails to anticipate or render obvious Applicant's invention as set forth in independent Claims 14 and 18. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) is therefore respectfully requested.

The secondary citation to Schlangen relates to a display device and was cited for its teaching of electrophoretic elements having particular color states.

Goodrich relates to a light valve and is relied on for its teaching of providing electrophoretic elements in a first layer modulated with a high spatial frequency.

Neither secondary citation to Schlangen nor Goodrich, however, compensate for the deficiencies in Robertson as discussed above. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103 are respectfully requested.

Thus, it is submitted that Applicant's invention as set forth in independent Claims 14 and 18 is patentable over the cited art. In addition, dependent Claims 15-17 and 19-22 set forth

additional features of Applicant's invention. Independent consideration of the dependent claim is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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